

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GM CASTING HOUSE INC.) Case No. 1:24-cv-01821
)
Plaintiff,)
) STATUS REPORT
v.)
)
FOREVER COMPANIES, INC.)
)
Defendant.)
)
)

Pursuant to this Court’s Minute Order dated December 26, 2024, granting GM’s Unopposed Motion to Compel (ECF No. 42), Plaintiff GM Casting House Inc. (“GM”) unilaterally submits the following status report on discovery.¹ In direct violation of this Court’s Minute Order, Diamond Nexus failed to respond to GM’s outstanding discovery requests. Because Diamond Nexus has repeatedly demonstrated that it is unwilling to participate in good faith in this litigation, GM respectfully requests this Court order Diamond Nexus to show cause why default judgment should not be entered against it as a sanction under Rule 37(b)(2)(A)(vi) of the Federal Rules of Civil Procedure. Furthermore, given Diamond Nexus’ failure to respond to discovery or comply with this Court’s Minute Order, proposing an amended fact discovery deadline at this time appears futile.

Diamond Nexus’s responses to GM’s first sets of interrogatories and requests for production of documents were due on October 23, 2024. However, GM did not receive written objections or responses from Diamond Nexus by this deadline. On November 18, 2024, GM filed its Unopposed Motion to Compel. ECF No. 38. On December 26, 2024, this Court granted GM’s Unopposed Motion to Compel and ordered Diamond Nexus “to respond to plaintiff’s outstanding discovery requests by 1/17/25.” ECF No. 42. Diamond Nexus yet again failed to respond to GM’s discovery requests by its deadline.

¹ GM is filing this status report unilaterally because, in the past, counsel for Defendant Forever Companies, Inc. dba Diamond Nexus (“Diamond Nexus”) has neither concurred in the filing of this document nor granted permission to use any electronic signature.

Diamond Nexus has flagrantly disregarded its discovery obligations and this Court's orders. And, for reasons unknown to GM, counsel for Diamond Nexus has unnecessarily dragged out these proceedings by remaining in this case as Diamond Nexus's attorney of record despite stating he would plan to withdraw. *See* ECF No. 38. Fed. R. Civ. P. 37(b)(2)(A)(vi) allows courts to enter "just orders" if a party "fails to obey an order to provide or permit discovery," including entering a default judgment. GM respectfully requests this Court order Diamond Nexus to show cause why default judgment should not be entered against it as a sanction under Rule 37(b)(2)(A)(vi).

DATED: January 28, 2025

Tucker Ellis LLP

By: /s/Howard A. Kroll

Howard A. Kroll
Nathan T. Newman
Attorneys for Plaintiff
GM Casting House Inc.